

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Mar 14, 2024**

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Justin Shane Dewitt

Case Number: 0980 2:21CR00160-SAB-1

Address of Offender: [REDACTED], Spokane, Washington 99202

Name of Sentencing Judicial Officer: The Honorable Raner Collins, U.S. District Judge

Name of Assigned Judicial Officer: The Honorable Stanley A. Bastian, Chief U.S. District Judge

Date of Original Sentence: October 10, 2018

Original Offense: Failure to Register, 18 U.S.C. § 2250(a)

Original Sentence: Prison - 396 days
TSR - 60 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Timothy John Ohms

Date Supervision Commenced: October 22, 2021

Defense Attorney: Ryan Mark Farrell

Date Supervision Expires: October 21, 2026

PETITIONING THE COURT

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 02/26/2024.

On October 25, 2021, Mr. Dewitt's conditions of supervision were explained by his supervising officer and he signed said conditions acknowledging an understanding of his requirements.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

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Standard Condition #2: After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when to report to the probation officer, and you must report to the probation officer as instructed.

Supporting Evidence: The offender is alleged to have violated standard condition number 2, by failing to report to the probation officer as instructed on February 22, 2024.

On February 20, 2024, the probation officer instructed Mr. Dewitt to report to the U.S. Probation Office on February 22, 2024. He failed to report as instructed.

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Special Condition #13: You must allow the probation officer to install monitoring software on any of the following used by you: computers, other electronic communications or data storage devices or media, that can receive, store, or otherwise possess materials with depictions of "sexually explicit conduct" (as defined by 18 U.S.C. § 2256(2)) involving children, or "actual sexually explicit conduct" (as defined by 18 U.S.C. § 2257(h)(1)) involving adults.

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Supporting Evidence: The offender is alleged to have violated special condition number 13, by utilizing a computer device that did not contain computer monitoring software on or about February 23, 2024.

On February 26, 2024, this officer continued a search of the offender's cellular telephone, which was seized on February 23, 2024. During the search, this officer discovered that Mr. Dewitt made a video call to his girlfriend utilizing Facebook Messenger on February 23, 2024, after his phone had been seized by the undersigned. This was concerning, as the offender would have had to connect to the internet on a device to complete the aforementioned video call. The only internet device the offender is approved to possess is his personal cellular phone, which has been installed with monitoring software.

On February 29, 2024, the offender reported to the probation officer and the undersigned questioned him about the above-referenced video call. The offender initially stated he did not remember making a call to his girlfriend on February 23, 2024. He later admitted that he had used a friend's cellular telephone and he denied that he used the phone for any other purpose.

- 4 **Standard Condition # 2:** After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when to report to the probation officer, and you must report to the probation officer as instructed.

Supporting Evidence: The offender is alleged to have violated standard condition number 2, by failing to report to the probation officer as instructed on February 28, 2024.

On February 27, 2024, the probation officer instructed Mr. Dewitt to report to the U.S. Probation Office on February 28, 2024. He failed to report as instructed.

- 5 **Special Condition #2:** You must attend and participate in a sex offender treatment program and sex offense specific evaluations as approved by the probation officer. You must abide by the policies and procedures of all the treatment and evaluation providers. You must contribute to the cost of such treatment and assessment not to exceed an amount determined to be reasonable by the probation officer based on ability to pay.

Supporting Evidence: The offender is alleged to have violated special condition number 2, by failing to attend a scheduled sex offender group treatment session on February 28, 2024.

On February 28, 2024, Mr. Dewitt failed to attend a scheduled sex offender group treatment session.

- 6 **Standard Condition # 6:** You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.

Supporting Evidence: The offender is alleged to have violated standard condition number 6, by failing to be present for a scheduled home visit on March 8, 2024.

On March 5, 2024, this officer instructed the offender to be at his residence on March 8, 2024, for a home visit.

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On March 8, 2024, this officer attempted to make contact with the offender at his residence, but he failed to answer the door. This officer attempted to contact him on his cellular telephone twice; however, he failed to answer his telephone.

7 **Special Condition #16:** You must complete a mental health and follow any treatment recommendations of the evaluating professional which do not require forced or psychotropic medication and/or inpatient confinement, absent further order of the court. You must allow reciprocal release of information between the supervising officer and treatment provider. You must contribute to the cost of treatment according to your ability to pay.

Supporting Evidence: The offender is alleged to have violated special condition number 16, by failing to follow the treatment recommendation of the evaluating professional.

On December 13, 2024, Mr. Dewitt was evaluated by Robert Shepard to determine if he was in need of mental health services. At that time, it was recommended that he participate in two mental health sessions per month to address anxiety and depression.

On January 2, 2024, this officer discussed the evaluation results with Mr. Dewitt. At that time, he was advised by the probation officer that he was required to participate in the recommended mental health program.

On March 13, 2024, this officer spoke to Robert Shepard who indicated that the offender never followed up with him to schedule his mental health sessions.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: March 13, 2024

s/Lori Cross

Lori Cross

U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

3/14/2024

Date